

ONEIDA COUNTY PLANNING & ZONING
May 31, 2006 - 2:30 P.M. –PUBLIC HEARING - COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 5450

Members present: Chairman Bob Metropulos
Larry Greschner
Ted Cushing
Frank Greb
Scott Holewinski - absent

Department staff present: Karl Jennrich, Zoning Director
Kurt Bloss, Land Use Specialist
Nadine Wilson, Land Use Specialist
Mary Bartelt, Typist III

Other Department staff
Present: Larry Heath, Corporation Counsel

See Attached Guest List:

Call To Order:

Chairman Metropulos called the meeting to order at 2:30 p.m., in Committee Room #2, Oneida County Courthouse, Rhineland, WI 54501 in accordance with the Wisconsin Open Meeting Law.

Discussion/decision to approve the agenda

MOTION: (Ted Cushing/Frank Greb) to approve the May 31, 2006 Public Hearing agenda. All “aye” on voice vote. Motion carries.

Conditional Use Permit Application for Brian Thompson for a (10) unit, multi-tenant retail mall (existing building conversion) on property described as NE SW, NW SE, Section 34, T39N, R6E, in the Town of Minocqua, PIN# MI 2502-3. General location being Hwy 51 South, formerly Solem’s Supper Club.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhineland Daily News, published on May 16, 2006 and May 23, 2006 and the Lakeland Times the week of March 23, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on May 12, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter dated 5/17/06 – Town of Minocqua – Planning Commission – approved

the CUP for Brian Thompson contingent upon meeting all State and County requirements along with one suggested condition, no outside vending is permitted on the site.

Kurt Bloss, Land Use Specialist, presented the general information to the committee. The property is all zoned Business. The applicant plans to remodel existing restaurant facility and banquet, cent (formerly Solem's Supper Club) to become a multi-tenant retail shop outlet. EXHIBIT #1.

The applicant submitted the "General Standards for Approval of the CUP" and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, staff would suggest the following conditions be place on the CUP.

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Town of Minocqua conditions/concerns.
3. Proper permits to be obtained prior to placement of signage as needed.
4. Proper permits to be obtained prior to construction/remodeling as needed. (Town, County, State).
5. Hwy 51 access subject to DOT restrictions and approvals.
6. Subject to Oneida County Health Department review and approval.
7. Future tenants to apply for ARP's or CUP's as needed prior to occupancy.
8. No outside accumulation of materials/scrap/recyclables other than approved dumpster locations.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

2:38 P.M. The public hearing was closed from any further public comment.

MOTION: (Ted Cushing/Frank Greb) to approve the Conditional Use Permit application for Brian Thompson, Item #3 on today's agenda with conditions and concerns as outlined by staff and town. Roll Call Vote: Frank Greb "aye", Larry Greschner "aye" Ted Cushing "aye" and Bob Metropulos "aye". Motion carries.

Conditional Use Permit Application for Larry & Sally Engleman, applicant, Harvey Arnott, owner, to operate an outdoor sales area on property located at 2259 County Hwy L and being further described as Part of Lot 1, CSM V10, P2436, Section 27, T36N, R6E, in the Town of Nokomis, PIN# NO 418-4.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on May 16, 2006 and May 23, 2006 and the Tomahawk Leader the week of March 23, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on May 12, 2006.

Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter dated May 8, 2006 – Town of Nokomis – approving the CUP for Larry and Sally Engleman

Mr. Kurt Bloss, Land Use Specialist, presented the information to the committee. This property is zoned Business #07. This business has already been approved through an ARP process. This CUP is essentially for getting the outdoor sales area authorized for the business. EXHIBIT #2

The applicant submitted the “General Standards for Approval of the CUP” and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, staff would suggest the following conditions be place on the CUP.

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Town of Nokomis conditions and/or concerns.
3. No sales or displays to be place in highway right of way area.
4. Subject to conditions of administrative review permit #649-05 excluding outdoor storage, sales or displays.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

2:43 P.M. The public hearing was closed from any further public comment.

MOTION: (Larry Greschner/Ted Cushing) to approve the Conditional Use Permit for Larry & Sally Engleman to operate an outdoor sales area on the property described, Item #4 on today’s agenda, subject to the conditions of staff and the Town of Nokomis and the conditions of ARP #649-05. Roll Call Vote: Frank Greb “aye”, Larry Greschner “aye” Ted Cushing “aye” and Bob Metropulos “aye”. Motion carries

Conditional Use Permit Application for Pineview Construction, owner; David Hapka, agent, to rent office space in the Pineview Construction LLC building to the Northernaire Project for a sales office. Property is located at 1750 Anderson Street, and further described as Lakeside Park Addition, Lot #10, Block 40, Section 6, T38N, R11E, in the Town of Three Lakes, PIN# TL 2066.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on May 16, 2006 and May 23, 2006 and the Vilas County the week of March 23, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on May 12, 2006. Mr.

Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. This CUP was previously approved by the Town of Three Lakes back in May of 2006.

Nadine Wilson, Land Use Specialist, presented the information to the committee. Ms. Wilson stated that the Pineview Construction applied for and received an Administrative Review to operate their construction company out at the site of the Northernaire on Deer Lake. EXHIBIT #3

The applicant submitted the "General Standards for Approval of the CUP" and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, staff would suggest the following conditions be placed on the CUP.

1. The nature and extent of the conditional use shall not change from that Described in the application and approved in the Conditional Use Permit.
2. Outside storage not permitted with this application.
3. Conditions of ARP #308-06 are in effect
4. Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
5. Outdoor lighting shall be directed downward and shielded from above. Care should be taken to prevent light pollution.
6. Any other required state and/or local licensing to be obtained prior to operation.
7. Parking layout to reflect 7 parking spaces onsite per the ordinance.
8. Town of Three Lakes concerns.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

3:52 P.M. The public hearing was closed from any further public comment.

MOTION: (Frank Greb/Ted Cushing) to approve the Conditional Use Permit for Pineview Construction, PIN#TL 2066, Item #5 on today's agenda, with staff concerns. Roll Call Vote: Frank Greb "aye", Larry Greschner "aye" Ted Cushing "aye" and Bob Metropulos "aye". Motion carries

Consider Amending, Suspending, or Revocating Conditional Use Permit Application of Thomas Quandt, Jr., d/b/a Jr's Towing pursuant to Section 9.82(D) of the Oneida County Zoning & Shoreland Protection Ordinance which was previously approved as CUP#34-02 issued January 23, 2002 for property located at 4927 Cornelson Rd on property further described as part of Gov't Lot 3, Section 8, T36N, R9E, in the Town of Pelican, PIN# PE 80-11.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on May 16, 2006 and May 23, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on May 12, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter dated 4/19/2006 – from Mr. Karl Jennrich to Mr. Quandt Jr. EXHIBIT #4

Mr. Jennrich also stated that there was an onsite done by the Department of Natural Resources, Norman Dunbar and the P & Z Department on April 21, 2006 and read into the record the findings of that onsite inspection. EXHIBIT #5

Mr. Jennrich does not look at revoking a permit lightly because it is Mr. Quandt's means of business but again the P & Z Department has had previous problems in the past with this business.

Ms. Nadine Wilson, Land Use Specialist, handed out to the committee photo exhibits, which were taken back in June of 2004. Most of the problems from 2004 were taken care of. The P & Z Department has been on Mr. Quandt's business site on numerous occasions. No onsite inspection by the P & Z Department was done in 2005, but did receive a complaint over the winter from the Town of Pelican. Ms. Wilson talked with the Town of Pelican Chair and stated that in order for the P & Z Department to do an evaluation of the site, it should be done after the snow is gone. Mr. Gerald Roou came in the P & Z office at the beginning of April 2006. On May 22, 2006 Ms. Wilson did an onsite inspection of which current pictures of the property were taken. EXHIBIT #6. Ms. Wilson logged what was in the salvage area from the years 2004 and 2006. There were more vehicles being used to store parts, tires, etc. in the salvage and out of the salvage area. Half built ice shack in the salvage yard, numerous piles of parts, lumber, metal, tires, numerous numbers of riding lawn mowers, large pile of lumber, railroad ties (Mr. Quandt was using railroad ties to build up the sides of the property) The driveway was closed back approximately four years ago because of the severe runoff from the Town road which went to the property site and this is why a retaining type of wall structure was built with railway ties.

There is evidence of soil contamination along and around the building and in the salvage yard and the DNR was at the site and also took pictures of the site. There is an old brown maroon Suburban in the salvage yard and this will be hauled to the Rhinelander Auto Salvage, but this vehicle was on the aerial pictures from 2005 and again in 2006. A Sonomo Truck is in the salvage yard with front damage and Mr. Quandt wishes to fix it up, but there is no license on the car. There is a Lumina, unlicensed and Brown Chevy with dually axle, owned by the owner with no license. There is a Green Chevy with a red bed full of parts and tires, which is the owners, with no license. An old Blazer with the rear end out of it also filled with parts and tires. There are two unlicensed vans on the premises, which were also there in 2004, 2005 aerials and again in 2006. Also, there is a tow truck on the property, unlicensed and is non-operatable. Also there are numerous parts, tires, racks, metal and other things laying around.

Ms. Wilson stated that there was a gate installed to the salvage yard.

Mr. Greschner, "How far is this property from the river, Nadine?"

Ms. Wilson, "The building is less than 225 feet from the river." "Also the business building that we are talking about is in the railroad right-of-way."

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Mr. David Druckdry, "I live directly across from the towing yard and I would like to see Mr. Quandt keep his business." "I think he maintains a salvage yard pretty well, I mean you are bringing in vehicles that are totally wrecked and sure they are going to be leaking oil and stuff." "Maybe he can come up with a different strategy for covering the soil leaks." "His son is always dragging a lot of stuff around on the property and you can't keep babysitting him because he must be approximately seventeen or so." "I wouldn't try to hold him (the son) responsible but I know that Mr. Quandt does maintain it." "You can go anywhere and find oil spots." "It doesn't bother me, sure he's my friend, but I'm not here because of that, it's my water system, if it spoils, then I won't want him there, but I don't have to worry about that."

Harrold Houle, "We are directly below Mr. Quandt and all his water flow from the dump site spills down to my driveway and washes it out." "I have oil spills all over my property, especially right in front of my garage and down the driveway." "I've talked to Tom many, many times because I'm related to him for years and now I have a well near the river and all the water from Tom's Towing Service business site comes across my property, washes my driveway out and the last rain washed out quite a bit of gravel and it all goes down to the river." "If I lose my well, my property will be worth nothing and with that oil slick in there and the oil spoilage, I can't even sell the property." "I'll have to clean it up or have someone clean it up." "I don't know why I have to suffer because he won't clean his place up."

John Hoffman, "I'm speaking on behalf of the Pelican Town Board." "The Town Board discussed this at last night's meeting and it is on record that our Town Board was not in favor of this permit to begin with but the County felt as though it wasn't prohibited in the area, so they issued it." "This issue of the nature of the business was discussed with Mr. Quandt." "No matter who is operating that type of business, you have to retrieve wrecked vehicles, you have to keep ----." "I don't know, Tom, how long do you have to keep a vehicle on pending insurance investigation?"

Mr. Quandt, "Progressive insurance, that is usually dealt with prior to getting the vehicle off my truck, if some are retained because of a fatality it could be on my property from months upon months, if drugged impound it could sit there for a year or better." "I have had some vehicles which people have rolled them over and have a lien on them, people walk away from them, I can't get rid of the vehicle until the lien is satisfied, so then I have to track down the title." "I am court ordered not to remove anything off of my estate and court ordered not to be on my estate except to conduct business through my divorce."

Mr. Hoffman, "It isn't too long before a towing business is hard to distinguish from a junkyard or salvage yard and that is why the Town of Pelican was against this to begin with." "Vehicles get overturned and leak after a while and you have a narrow spot with a town road on each side of it, but we did not feel as though it was the right place for that type of business." Granted the property is near a river, not a lake, but the pollution is still the same." "The Town Board does not feel any different now then they did to begin with, but the permit should have never been issued and that you could have found another spot to park the vehicles and probably brought you wrecker home like you did when you worked for your father."

Mr. Quandt, "The runoff of the land, I did contour the land and I have culverts and it all runs down along side Old Hwy. 8."

Mr. Hoffman, "What the Zoning Committee does and how they react on this is up to them, they issued the permit, they know about the citations, they know the Town's feelings." "You have heard from two landowners, one highly opposed and the other, it doesn't bother him." "I would like to see Mr. Quandt clean it up but not use it as a towing service or junk yard and I am sure that Mr. Houle would be very glad to see to it that everything got a chance to be cleaned up and hauled out of there, if that is the intent." "If the intent is to sell it as a business and someone else operates the same type of business from the spot, I would say that they would not be any different than Mr. Quandt." "It's just the "nature of the beast."

Mr. Quandt, "I have someone who is interested in buying the business, but the property is tied up in the divorce."

Mr. John Houle, "The grass should be cut and vehicles should be in the salvage area, not all over." "Why isn't all this stuff in the salvage area?" "It looks like a junkyard."

Chair Metropulos decides to close the comments if there aren't any other comments.

Mr. Houle, "I just need to talk about the flow of water." "It washed out my driveway every rain and Mr. Quandt has promised me for three years to clean up all the stuff including the oil spill and he has done nothing."

Chair Metropulos closes the comment section of the hearing.

3:26 P.M. The public hearing was closed from any further public comment.

Discussion took place.

Larry Heath, Corporation Counsel, "I think that we should focus on the conditional use permit that was issued and what those conditions were and whether they have been met or not." "And to go back before then is not good for this hearing."

Mr. Jennrich, "Again, we are coming from the point that there were are numerous vehicles that are being stored on the property for more then 45 days, Mr. Quandt is not handling hazardous waste in an environmentally safe manner, there are grease and oil spots on the ground and used oil and antifreeze containers are placed randomly on the ground, it appears that a commercial service operation is being operated from the

location based upon pictures that I saw, it appears that there are various parts of vehicles including engine blocks, hub caps and batteries which are randomly placed on the ground, it appears that Mr. Quandt has towed vehicles and/or parts randomly placed on the property and are not limited exclusively to the holding area."

More discussion took place.

MOTION: (Larry Greschner/) to agree with staff's recommendation of revocation, but to give Mr. Quandt 90 days to relocate the business and get the property cleaned up.

Ms. Wilson, "And that would be wonderful, but the problem that we run into Mr. Greschner, and the P & Z Department will have to work with Mr. Quandt on that, but until the divorce is -----." "I did obtain a copy of the divorce from the Clerk of Courts Office and Mr. Quandt is not allowed to sell any possessions or be on the property."

Mr. Larry Heath, "I think Mr. Greschner's motion is reasonable and it is incumbent upon Mr. Quandt to go into court to get that authorization."

Mr. Quandt, "I will have my attorney -----."

Mr. Heath, "If the motion is seconded and voted upon it is incumbent upon you (Mr. Quandt) to get into that court to get this squared away."

Mr. Greschner, "That is my motion."

Mr. Frank Greb seconds the motion. 980

Roll Call Vote: Frank Greb "aye", Larry Greschner "aye" Ted Cushing "aye" and Bob Metropulos "aye". Motion carries

Adjourn

4:05 P.M. There being no further matters to lawfully come before the Committee; a motion was made by Frank Greb second by Ted Cushing to adjourn the meeting. All ayes on voice vote.

Chairman Bob Metropulos

Karl Jennrich, Zoning Director